

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO – EASTERN DIVISION**

In re: Glenn Canterbury : Case No. 18-57499  
Debtor :  
: Chapter 13  
: Judge Preston

**AMENDED RESPONSE OF CREDITOR STATE OF OHIO BUREAU OF WORKERS'  
COMPENSATION TO DEBTOR'S MOTION FOR DETERMINATION  
THAT LIEN IS WHOLLY UNSECURED AND VOID [DOC. NO. 30]**

Now comes Attorney General Dave Yost, acting through special counsel duly appointed as provided in Ohio Revised Code Section 109.08, on behalf of Creditor, the State of Ohio Bureau of Workers' Compensation ("BWC"), and amends its response filed at Docket No. 41 to Debtor's Motion for Determination that Lien is Wholly Unsecured and Void (Doc. No. 30). The purpose of the amendment is to correct the priority of the lien at issue in Debtor's Motion filed at Docket No. 30.

Respectfully submitted,  
Dave Yost  
Attorney General of Ohio

/s/ Brian M. Gianangeli  
THE LAW OFFICE OF CHARLES MIFSUD, LLC  
Charles A. Mifsud (0070498)  
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Attorney for State of Ohio,  
Bureau of Workers' Compensation

**MEMORANDUM IN SUPPORT**

On June 6, 2019, Debtor filed his Motion seeking to avoid a lien filed by BWC against Debtor's property located at 115-117 Chicago Ave., Columbus, OH 43222 (the "Real Property").<sup>1</sup> The lien at issue was identified in Debtor's Motion as being filed on December 17, 2015 under Case No. 15 JG 053990 with the Franklin County Clerk of Courts. However, the lien identified by Debtor is a renewal of an earlier lien originally filed on May 27, 2004 under case no. 04JG014933. See, Exh. A.

As set forth in his motion, Debtor's interest in the Real Property is valued at \$17,500.00. Motion, ¶4. The first priority lien belongs to the Franklin County Treasurer in the amount of \$1,407.36. Id., ¶4. The second, third and fourth priority liens belong to the Ohio Department of Taxation and BWC in the amounts of \$379.18, \$5,674.58 and \$4,924.82. See, Docket Nos. 40, 42 and 43. With BWC's lien being originally filed on May 27, 2004, it has priority over all other liens listed in paragraph 5 of Debtor's Motion. As such, the amount due on the face of the lien, \$884.77, is fully secured by Debtor's remaining equity in the property, the lien is secured pursuant to 11 U.S.C. 506(a) and is not subject to avoidance under 11 U.S.C. 506(d).<sup>2</sup>

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<sup>1</sup> Debtor's Motion names the State of Ohio Department of Taxation as the lienholder, but the lien that Debtor seeks to avoid in the Motion was filed by BWC. See, Exh. A.

<sup>2</sup> The actual value of BWC's lien is \$838.25 due to payments received since the renewal.

WHEREFORE, for the foregoing reasons, BWC asks that this Court deny Debtor's motion to avoid the lien of BWC recorded under Case No. 15 JG 053990 with the Franklin County Clerk of Courts.

Respectfully submitted,  
Dave Yost  
Attorney General of Ohio

/s/ Brian M. Gianangeli  
THE LAW OFFICE OF CHARLES MIFSUD, LLC  
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Attorney for State of Ohio,  
Bureau of Workers' Compensation

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served by U.S. mail, postage prepaid, on this 26<sup>th</sup> day of June, 2019, upon:

Glenn Canterbury  
459 Prospect Street  
Columbus, OH 43204

Marshall D Cohen  
Marshall D. Cohen Co., LLC  
1500 West Third Ave  
Suite 400  
Columbus, OH 43212

Frank M Pees  
130 East Wilson Bridge Road  
Suite 200  
Worthington, OH 43085

Asst US Trustee (Col)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215

/s/ Brian M. Gianangeli  
Brian M. Gianangeli (#0072028)

E2458 - D38

## **PRECIPE - RENEWAL**

DATE 12-03-15  
COURT OF COMMON PLEAS OF FRANKLIN COUNTY

**STATE OF OHIO  
BUREAU OF WORKERS' COMPENSATION**

MARYELLEN O' SHAUGHNESSY  
FRANKLIN COUNTY CLERK OF COURT  
373 SOUTH HIGH STREET  
COLUMBUS, OH 43215

**PLAINTIFF**

vs.

**TAX TYPE: STATE INSURANCE  
FUND PREMIUM**

**GLENN CANTERBURY  
CANTERBURY STUCCO  
114 CHICAGO AVE**

RISK NO: 1318198-0  
ACCOUNT NO [REDACTED]  
CRN NO.: 4237178

COLUMBUS, OH 43222-1134

15J G 12 53990

**DEFENDANT**

THE AFOREMENTIONED PREMIUM ASSESSMENT HAS BECOME FINAL BY OPERATION OF LAW FOR THE PURPOSES OF HAVING A JUDGMENT LIEN RECORDED THEREON.

**TO THE CLERK OF COMMON PLEAS COURT:**

ENTER JUDGMENT AND RECORD  
CERTIFICATE OF JUDGMENT. RETAIN  
ONE COPY AND RETURN ONE COPY TO THE  
OFFICE OF THE ATTORNEY GENERAL

**JUDGMENT RECORDED ON:**

**OLD**                   **RENEWAL**                   **AMOUNT**                   **884 . 77**

**DATE:** 05-27-04

CASE NO.: 04JG-14933

**DOCKET:** -

PAGE: -

I hereby certify the foregoing to  
be a true and correct copy of the  
action of the Bureau of Workers'  
Compensation taken this date with  
respect to the above matter.

**SUPERVISOR OF ACCOUNTS RECEIVABLE  
BUREAU OF WORKERS' COMPENSATION**

LT805F

## Exhibit A

